

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ANTHONY RAPP and C.D.,

Plaintiffs,

-against-

KEVIN SPACEY FOWLER a/k/a KEVIN SPACEY,

Defendant.

Case No. 1:20-cv-09586 (LAK) (SDA)

**STIPULATION AND [PROPOSED] ORDER RE SEALING OF CERTAIN DOCUMENTS**

Plaintiff Anthony Rapp (“Plaintiff”) and defendant Kevin Spacey Fowler a/k/a Kevin Spacey (“Defendant”), by and through their undersigned counsel of record, and subject to the approval of the Court, stipulate as follows:

WHEREAS the Court held a hearing on September 9, 2021 on Plaintiff’s motion to compel re Defendant’s privilege log and, at the hearing, the Court asked Defendant to submit a letter addressing whether the unredacted versions of Defendant’s submissions in opposition to Plaintiff’s motion to compel should continue to be kept from Plaintiff’s counsel;

WHEREAS after the hearing, Plaintiff and Defendant agreed that (1) Defendant would provide the unredacted versions of Defendants prior filings (ECF Nos. 86, 86-1, 86-3, 86-4, and 86-5); (2) Plaintiff will not assert that Defendant has waived any privilege or work product protection by doing so; and (3) that the materials will remain sealed and not shared with any third party unless and until ordered otherwise;

WHEREAS on September 11, 2013, Defendant provided unredacted copies of Defendant’s prior submissions (ECF Nos. 86, 86-1, 86-3, 86-4, and 86-5) pursuant to the parties’ agreement;

WHEREAS on September 13, 2021, Defendant filed a letter informing the Court of the parties' agreement and enclosing the e-mail thread reflecting that agreement (ECF Nos. 97, 97-1); and

WHEREAS on September 14, 2021, the Court issues a memorandum endorsement directing the parties to file an executed stipulation setting out their agreement (ECF No. 99).

NOW THEREFORE, Plaintiff and Defendant stipulate and agree as follows:

1. Defendant has agreed to provide, and has provided, the unredacted versions of Defendant's prior filings in opposition to Plaintiff's letter motion to compel re privilege log (ECF Nos. 86, 86-1, 86-3, 86-4, and 86-5);

2. Defendant has not and does not waive any privilege, work product, or other protection by virtue of having shared the unredacted versions of these documents with Plaintiff's counsel;

3. The unredacted versions of these documents shall remain sealed and not shared with any third party unless and until the Court orders otherwise; and

4. Nothing in this stipulation limits, changes, or affects the parties' positions on the merits or lack thereof regarding Plaintiff's letter motion to compel re privilege log and/or Defendant's opposition to that motion.

**IT IS SO STIPULATED.**

Dated: September 17, 2021  
New York, New York

Respectfully submitted,

/s/ Peter J. Saghir

Peter J. Saghir  
Gair, Gair, Conason, Rubinowitz,  
Bloom, Hershenhorn, Steigman &  
Mackauf  
80 Pine Street, 34th Floor  
New York, New York 10005  
Tel.: (212) 943-1090

Fax: (212) 425-513  
E-mail: psaghir@gairgair.com

*Counsel for Plaintiff Anthony Rapp*

Dated: September 17, 2021  
Irvine, California

Respectfully submitted,

/s/ Chase A. Scolnick  
Jennifer L. Keller (*pro hac vice*)  
Chase A. Scolnick  
Keller/Anderle LLP  
18300 Von Karman Ave., Suite 930  
Irvine, California 92612  
Tel.: (949) 476-8700  
Fax: (949) 476-0900  
E-mail: cscolnick@kelleranderle.com

Michael Tremonte  
Sher Tremonte LLP  
90 Broad Street, 23rd Floor  
New York, New York 10004  
Tel.: (212) 202-2600  
E-mail: mtremonte@shertremonte.com

*Counsel for Defendant Kevin Spacey  
Fowler a/k/a Kevin Spacey*

**~~PROPOSED~~ ORDER**

Based on the foregoing Stipulation and other good cause appearing, IT IS HEREBY ORDERED, that:

1. The Court acknowledges that Defendant has agreed to provide, and has provided, the unredacted versions of Defendants' prior filings in opposition to Plaintiff's letter motion to compel re privilege log (ECF Nos. 86, 86-1, 86-3, 86-4, and 86-5);

2. Defendant has not and does not waive any privilege, work product, or other protection by virtue of having shared the unredacted versions of these documents with Plaintiff's counsel;

3. The unredacted versions of these documents shall remain sealed and not shared with any third party unless and until the Court orders otherwise; and

4. Nothing in the foregoing stipulation or this Order limits, changes, or affects the parties' position on the merits or lack thereof regarding Plaintiff's letter motion to compel re privilege log and/or Defendant's opposition to that motion.

**IT IS SO ORDERED.**

Dated: September 20, 2021

/s/ Lewis A. Kaplan /BT

---

The Honorable Lewis A. Kaplan  
United States District Judge

**CERTIFICATE OF SERVICE**

In accordance with Local Rule 5.2, I, Chase A. Scolnick, hereby certify that on September 17, 2021 this document filed through the ECF system will be sent electronically to the registered participants as identified in the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ Chase A. Scolnick  
Chase A. Scolnick